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therefor by the General Assembly in the budget bill.

The employees of the Commissioner excluding his secretary shall be included in the classified service.

The Commissioner shall make an annual report on or before January 1st in each year to the Governor concerning his work and proceedings and shall include therein any recommendations he deems advisable in regard to conditions in service of the State—classified and unclassified. All rules of the Commissioner shall be open to public inspection at the office of the Commissioner.

Wherever in this article the word "Commissioner" appears, it shall be deemed to mean and shall refer to the State Commissioner of Personnel; and wherever in this Code the words "State Employment Commissioner" or "Commissioner of State Employment and Registration" appear, they shall be deemed to mean and shall refer to the State Commissioner of Personnel. (An. Code, 1951, § 9; 1939, § 4; 1924, § 3; 1920, ch. 41, § 3; 1945, ch. 981; 1947, ch. 562; 1953, ch. 310, § 1.)

#### § 11. Same—Rules to enforce article.

It shall be the duty of the Commissioner to carry out the provisions of this article, and to make, with the approval of the Governor, such rules as he deems necessary or proper to that end. Such rules may, with the approval of the Governor, be abolished, added to, changed or amended, and all such rules shall have the force and effect of law. (An. Code, 1951, § 10; 1939, § 5; 1924, § 4; 1920, ch. 41, § 4.)

Stated in *Reddick v. State Comm'r of Personnel*, 213 Md. 195, 131 A.2d 464 (1957). Cited in *Hopper v. Jones*, 178 Md. 429, 13 A.2d 621 (1940).

#### § 12. Disqualification or discrimination on account of age or of physical impairment not interfering with performance of duties.

Notwithstanding any provision of law to the contrary, except as herein provided, the Commissioner shall not hereafter prohibit, prevent, disqualify or discriminate against any person who is physically and mentally qualified from competing, registering for or participating in a competitive or promotional examination held under the provisions of this article or from qualifying for a position in the classified service by reason of his or her age and/or on account of any physical defect or impairment, providing such physically impaired person shall produce a certificate from a competent medical doctor certifying that the said physically impaired person is not suffering from any physical defect or impairment which is

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of such a character that would interfere with the physically impaired person performing the duties of the position which the said physically impaired person is seeking.

Whenever the Commissioner shall have certified to the appointing authority a list of eligibles in conformity with the provisions of § 17 of this article and such list shall contain the name of a physically impaired person, such physically impaired person shall not be rejected by the said appointing authority because of said physical impairment alone, provided said physically handicapped person is qualified to perform the duties of the position involved.

Nothing herein contained, however, shall prevent the Commissioner from adopting reasonable minimum and/or maximum age requirements for positions such as policemen, firemen, prison guard, or other positions which require extraordinary physical effort, except where age limits for such positions are already prescribed by law. (An. Code, 1951, § 11; 1941, ch. 728; 1945, ch. 1023; 1957, ch. 696.)

§ 12A. Discrimination in employment because of race, creed, color or national origin.

(a) No officer or employee of a State agency, department or board shall discriminate in the hiring, firing, or in any other manner, against any person because of race, creed, color, or national origin. This section applies to both classified and nonclassified employee. Any person convicted of violating the provisions of this section shall be fined not more than \$500 for each offense.

(b) Any person, whether an employer, prospective employee or not, with information concerning a violation of the provisions of this section shall file the information with the Attorney General. Upon the receipt of said information, the Attorney General shall cause an investigation to be made to ascertain whether the provisions of this section have been violated. (1961, ch. 447.)

§ 13. Special list of eligibles.

The Commissioner is authorized and empowered to prepare, without examination, special lists of eligibles of persons certified by the Division of Vocational Rehabilitation of the State Department of Education to be physically capable and adequately trained to qualify for a position in the

<b>TRANSMITTAL SLIP</b>		DATE
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FORM NO. 241  
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REPLACES FORM 36-8  
WHICH MAY BE USED.

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